

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

STAR INSURANCE COMPANY, a)	
Michigan Corporation, WILLIAMSBURG)	
NATIONAL INSURANCE COMPANY, a)	
California corporation, and AMERICAN)	Case No.: 06 C 1364
INDEMNITY INSURANCE COMPANY,)	
LTD., a Bermuda corporation)	Judge Bucklo
)	
Plaintiffs,)	Magistrate Judge Nolan
)	
v.)	
)	
RISK MARKETING GROUP, INC.,)	
an Illinois corporation, and)	
CEBCOR SERVICE CORPORATION,)	
an Illinois corporation)	
)	
Defendants.)	
)	
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DON A. MOORE,)	
Judgment debtor)	

PLAINTIFFS' MOTION FOR TURNOVER ORDER
AGAINST DON A MOORE – INCOME TAX REFUNDS

NOW COME Plaintiffs, STAR INSURANCE COMPANY, WILLIAMSBURG NATIONAL INSURANCE COMPANY, and AMERICAN INDEMNITY INSURANCE COMPANY LTD., and pursuant to Federal Rules of Civil Procedure 7(b) and 69(a), and Illinois Supreme Court Rule 277 and Section 5/2-1402 of the Illinois Code of Civil Procedure (735 ILCS 5/2-1402), hereby moves this Court to an order requiring judgment debtor Don A Moore ("Moore") to turn over all federal and state income tax refunds, and in support thereof states as follows:

1. On August 31, 2007, this Court held that judgment debtor Cebcor Service Corporation ("Cebcor") had fraudulently transferred "Officer Loan Receivables" due to Cebcor from Charles E. Stevenson and Moore in the amount of \$536,302.21. This Court ordered Stevenson and Moore to return these amounts to Cebcor by September 21, 2007, and ordered Cebcor to use this transfer to satisfy plaintiffs' judgment by September 28, 2007.

2. Stevenson and Moore never returned the fraudulently transferred Offer Loan Receivables to Cebcor. Therefore, plaintiffs moved for judgment against Stevenson and Moore for the entire amount of plaintiffs' judgment against Cebcor as a sanction for their failure to comply with the Order of August 31, 2007. This Court granted plaintiffs' motion and entered judgment against Stevenson and Moore on January 23, 2008.

3. Thereafter, plaintiffs commenced citation to discover asset proceedings against Stevenson and Moore in order to satisfy the judgment. Plaintiffs served Moore with a citation to discover assets on April 9, 2008, via his attorney. A copy of the citation to discover assets and the affidavit of service are attached hereto as **Exhibit A**.

4. Upon information and belief, Moore has or is in the process of filing his federal and state income tax returns for the year 2008.

5. Should Moore qualify for a refund after filing these tax returns, then such proceeds are available to satisfy plaintiffs' judgment against Moore.

6. Section 2-1402 of the Illinois Code of Civil Procedure (735 ILCS 5/2-1402) and Illinois Supreme Court Rule 277, govern the procedure for collection of judgments via a citation to discover assets. Section 2-1402(c) (1) provides that when assets of a judgment debtor are discovered, a court may by appropriate order or judgment:

Compel the judgment debtor to deliver up, to be applied in satisfaction of the judgment, in whole or in part, money, choses in action, property or effects in his or her possession or control, so discovered, capable of delivery and to which his or her title or right of possession is not substantially disputed.

7. At this time, plaintiffs' ask this Court to enter an Order requiring Moore to turn over to plaintiffs all federal and state income tax refunds that he has received or expects to receive for the year 2008. Plaintiffs further ask that this Court order Moore to provide plaintiffs with copies of his 2008 tax returns and all supporting documents.

WHEREFORE, based upon the forgoing, Plaintiffs, STAR INSURANCE COMPANY, WILLIAMSBURG NATIONAL INSURANCE COMPANY, and AMERICAN INDEMNITY INSURANCE COMPANY, LTD., respectfully request that this Honorable Court enter the requested turnover order and additional relief against judgment debtor Charles E. Stevenson.

Dated: April 3, 2009

Respectfully submitted,

s/ John P. McCorry
One of Plaintiffs' Attorneys

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